THE PROCEEDINGS ABOUT Mr. Fitz-Harris, Concerning his PLEA TO THE INDICTMENT OF High Treason,

At the Kings-Bench-Bar *in* Westminster-Hall, *on* Wednesday May *the* 11*th*. 1681.

YEsterday, *March* 10. Mr. Attorny General made a motion that the Judgment of the Court might be given as to Mr. *Fitz-Harris*'s Plea; To which the Lord Chief Justice was pleased to reply, That the Court was ready to give their Judgment, and they might bring their Prisoner when they pleased; Whereupon a Rule of Court was made for bringing him to the Bar this morning.

About nine a Clock the Court sate and was much crouded with Spectators, there being several Persons of Honour, as the Earl of *Essex*, the Earl of *Clare*, the Earl of *Thanet*, the Earl of *Shaftsbury*, and divers others; the Prisoner was Guarded to the Bar by the Warders of the Tower.

Then the Lord Chief Justice told him, That he had been Indicted of High-Treason in that Court, and that he had Pleaded to the Jurisdiction thereof, alledging that he had been Impeached before the Lords, by the House of Commons, and that it was the same Treason which he now stood Indicted for; and therefore had desired Council to argue his Plea, which had been accordingly Granted him: And that the Court having maturely weighed and considered the Case, and having had Conference with some of the other Judges; His Lordship did declare, That three of that Court did agree as to the invalidity of his Plea, That is Judge *Jones*, Judge *Raymond* and himself, but that Judge *Dolben* was of another Opinion.

And therefore his Lordship told him The Court did require him to Plead to

to his Indictment, either *Guilty* or not *Guilty*, Mr. *Fitz-Harris* desired to have Council what to do in this matter; But his Lordship told him it was not proper, since it was not matter of Law, for which Council had already been allowed him; but Matter of Fact, wherein Council could not be granted.

Mr. *Fitz Harris* then desired he might provide his Witnesses, but the Lord Chief Justice told him, that he had already trifled with the Court, and made frivolous Delays, and that he had pretended to make a full Discovery of all the Design, but had hitherto done nothing in it, and that therefore he must first Plead *Guilty* or not *Guilty*, and afterward he should have all reasonable favour shewed him.

Whereupon Mr. *Fitz-Harris*, held up his Hand, and the Indictment was read; That having been Indicted for High Treason he had put in a Plea to the Jurisdiction of that Court, which Plea had been Demurred to, and was now over-ruled, and he was therefore required to Plead *Guilty* or not *Guilty*; He answered *Not Guilty*, and being demanded who he would be Tryed by, he said, *By God and his Country*.

The *L. Chief Justice*, then told him, he might now be heard what he had to say, Mr. *Fitz Harris* desired he might provide his Witnesses, one of whom was in *Holland*, and therefore desired time to send for him over. This was somewhat opposed, and it was said he had had sufficient time already: But he alleadged he had been kept close Prisoner, and none were suffered to come to him.

The *Lord Chief Justice* said, That it may be, he might depend upon the strength and validity of his Plea, and might not therefore so well provide for his Defence, as otherwise he would have done; and therefore his Lordship thought it very reasonable, and so did the whole Court, that since a short time could be no way prejudicial, it ought to be allowed him to make Preparation for his Tryal. And upon Consultation, the first *Thursday* in the next Term was appointed by the Court for his Tryal, and he was ordred to provide himself accordingly.

Mr. *Fitz-Harris* then desired Counsel might be allowed him, and his Books and Papers brought to him: As to the first, after some debate, it was told him, That no further Counsel could be allowed him: And to the second, that he should have his Papers brought him, provided the Lieutenant of the *Tower* had the Inspection of them, that there was no Dangerous, nor Treasonable matters contained in them.

Then Mr. *Fitz-Harris* desired, That his Wife might come to him, but my *Lord Chief Justice* said, She had abused the Liberty given her, and had thereby forfeited that Priviledg, but however if she would promise to carry her self with more Modesty and Circumspection for the future, she should have the same Liberty as she had before, and Order was accordingly given to that purpose.

Then the Lord Chief Justice reminded Mr. *Fitz-Harris* to prepare for his Tryal in that Court, the first *Thursday* in *Trinity Term* next ensuing: And afterward ordered the Guard to take away their Prisoner, which was done accordingly, and he was carried back by water to the Tower.

This is the Substance of some Particulars in this days Proceedings, which may serve till a more full Account of the whole at large be Published.

FINIS.

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